Appl. No. 10/715,694
Amendment With RCE

Docket No. 085804-011400

REMARKS

Claims 1 to 13 and 18 are the pending claims being examined in the application, of which Claims 1 and 12, the independent claims, are amended. Reconsideration and further examination are respectfully requested.

Claims 1-13 and 18 are rejected under 35 U.S.C. § 103(a) over Janik (U.S. Patent Application Publication No. 2002/0013852) and Plastina (U.S. Patent Application Publication No. 2004/019658). The applicants respectfully submit that the claims are patentably distinct from the cited art, for at least the following reasons.

Claim 1 recites a process of collecting, by the first computing device, media files and meta data information describing the media files, so that the media files' content is available for experiencing by a user at the first computing device; receiving, by the first computing device, a request from a second computing device, the request comprising a request for at least some of the meta data information collected at the first computing device; communicating, by the first computing device, information to the second computing device, the communicated information comprising the requested meta data information and an identifier for each media file described by the requested meta data information, the identifier uniquely identifying the media file, the communicated information indicative of at least one media file available for transmission to the user from the first computing device, the communicated information for use by the user at the second computing device to request one or more of the at least one media file, each selected media file is to be experienced by the user at the second computing device upon a media file request that includes the selected media file's identifier contained in the communicated information and transmission of the selected media file to the second computing device; receiving, by the first computing device, from the second computing device a request to transfer a media file selected by the user at the second computing device, the request including the identifier of the selected media file; and transmitting, by the first computing device, the requested media file to the second computing device as a stream.

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It is conceded in the Office Action that Janik fails to teach, suggest or disclose a first computing device receiving a request for at least some of the meta data information collected at the first computing device from a second computing device. It follows then that Janik cannot teach, suggest or disclose the first computing device, which receives the request for meta data from the second computing device, communicating information to the second computing device, the communicated information comprising the meta data requested by the second computing device to the second computing device, together with media file identifiers for each media file described by the requested meta data information, the communicated information indicative of at least one media file available for transmission to the second computing device from the first computing device, the communicated information for use at the second computing device to request a selected one or more of the at least one media file, each selected media file is to be experienced by the user at the second computing device upon a media file request that includes the selected media file's identifier contained in the communicated information and transmission of the selected media file to the second computing device in response to the media file request, receiving a request to transfer a media file from the second computing device that includes the media file identifier communicated by the first computing device to the second computing device, and transmitting the requested media file to the second computing device. It is respectfully submitted that Plastina cannot remedy the deficiencies of Janik, since Plastina fails to teach, suggest or disclose at least the elements that are also not taught, suggested or disclosed by Janik.

Plastina describes the ability by a computer that already has a media file to use meta data from the media file to obtain additional meta data from a meta data source. Reference is respectfully made to Figure 1 of Plastina, wherein a computer 102, which has media content, e.g., media content stored on a compact disc 104 or media content 110 stored on a computer-readable medium at computer 102, requests and receives meta data from meta data provider 111. The meta data that is received by computer 102 is in response to the request for the meta data, and is not indicative of at least one media file available for transmission to the second computing device. Reference is further made to Figure 2 of Plastina, which shows a process flow, in which meta data requested by

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computer 102 for the media content at computer 102 is received from the meta data provider, and is associated and stored with the media content at computer 102. Plastina further describes that computer 102 makes the request for the meta data using an identifier that computer 102 generates when the computer-readable medium with the media content is inserted into computer 102 (see paragraph 73 of Plastina). In contrast to Plastina's computer that describes a meta data provider that simply provides additional metadata to a computer that has media content and uses meta data from the media content that it already has to obtain additional meta data from the meta data provider, Claim 1 recites a first computing device communicating information to a second computing device, the communicated information, which comprises the requested meta data and media file identifier(s), indicative of at least one media file available for transmission to the second computing device from the first computing device, and is at the second computing device to request a selected one or more of the at least one media file, each selected media file is to be experienced by the user at the second computing device upon a media file request that includes the selected media file's identifier contained in the communicated information and transmission of the selected media file to the second computing device in response to the media file request. Plastina fails to teach, suggest or disclose at least these elements of Claim 1, which are also not disclosed or suggested in Janik. According to Plastina, the computer that requests the meta data <u>already has the media content</u>, which is in stark contrast to the process of Claim 1, in which the media content is experienced upon a request for the media file, the request including the identifier contained in the information communicated in response to the request for meta data information received from the second computing device and upon transmission of selected media file in response to the media file request. As discussed above, Janik also fails to teach, suggest or disclose at least these same elements of Claim 1.

Since Janik does not disclose all of the features recited in Claim 1 and Plastina fails to disclose at least the same features not disclosed by Janik, Claim 1 is not rendered obvious by the references. Claim 1 is therefore believed to be patentable over the applied art. Claim 12 is believed to be patentable over the applied art for at least the same reasons.

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The other claims in the application are each dependent from one or another of the independent claims discussed above and are believed to be patentable at least for the reasons discussed above with respect to Claims 1 and 12. Since each dependent claim is deemed to define an additional aspect of the invention as presently claimed, however, the consideration of each claim on its merits is respectfully requested.
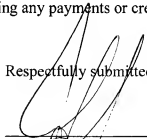
In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

Date: July 21, 2009

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James J. DeCarlo
Reg. No. 36,120

Customer Number 76058
GREENBERG TRAURIG, LLP
Met Life Building
200 Park Avenue, 34th Floor
New York, New York 10166
Phone: (212) 801-9200
Fax: (212) 801-6400

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